

(Draft - Awaiting Formal Approval)

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**
Wednesday, September 16, 2009 – 2:00 p.m. – Room 210 Senate Building

Members Present:

Sen. Dennis E. Stowell, Senate Chair
Rep. Roger E. Barrus, House Chair
Sen. Allen M. Christensen
Sen. Margaret Dayton
Sen. Karen W. Morgan
Rep. Melvin R. Brown
Rep. Rebecca Chavez-Houck
Rep. Brad L. Dee
Rep. Jack R. Draxler
Rep. Ben C. Ferry
Rep. Kerry Gibson
Rep. James R. Gowans
Rep. Neal Hendrickson

Rep. John G. Mathis
Rep. Michael E. Noel
Rep. Patrick L. Painter
Rep. Phil Riesen
Rep. Ryan D. Wilcox
Rep. Bradley A. Winn

Members Absent:

Rep. Fred R Hunsaker

Staff Present:

Mr. J Brian Allred, Policy Analyst
Ms. Emily Brown, Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Barrus called the meeting to order at 2:20 p.m. Rep. Hunsaker was excused from the meeting.

MOTION: Sen. Dayton moved to approve the minutes of the August 19, 2009 meeting. The motion passed unanimously.

2. Utah State Energy Program Report on Use of American Recovery and Reinvestment Act Funds

Mr. Rick Allis, Director, Utah Geological Survey, distributed and discussed "Total Available American Recovery and Reinvestment Act (ARRA) Energy Efficiency and Renewable Energy Related Funding for Utah as of September 16, 2009." He reviewed how the funding received from ARRA has been allocated and briefed the Committee about potential funding the state could receive in the future.

3. Recycling Coalition of Utah - Electronic Scrap Steering Committee Report

Mr. Brad Mertz, Executive Director, Recycling Coalition of Utah, gave a presentation on "Utah E-Scrap Program Recommendation." He referred to the report "Recycling of Household Electronics Recommendation - September 2009," which was mailed to the Committee. The report includes a detailed recommendation to develop legislation for a statewide electronics-recycling program.

Ms. Susan Hayward, Waste Management of Utah, said they do not accept electronics through curbside recycling. Many electronics contain toxic materials and could contaminate the rest of the recyclable material. She noted there are three depots in the state that accept electronics.

Mr. Matthew Anderson, Wholesale Works LLC, addressed the issue of what the increase in cost per item would be to cover the cost of recycling. He stated that the increase in the amount on the actual item is done on a nationwide basis.

Sen. Scott McCoy stated he has been interested in this issue for many years. He said he hoped the Committee would be interested in taking up this issue and crafting legislation that is consistent with Utah's values.

Mr. Dennis Downs, Division of Solid and Hazardous Waste, stated the Division supports recycling of electronic waste. He indicated that the Division is unsure what resources will be needed to run this type of program because there is no legislation yet.

Ms. Meggan Ehret, Deputy General Counsel, Thomson, requested that an option also be provided for a manufacturer run program - not just a state run program. She distributed a map showing some of the free consumer IT and TV recycling opportunities currently available in Utah.

Mr. Tom Bingham, President, Utah Manufacturers Association, expressed concern that the Association was not invited to participate in the development of the recommendations. He stated that major manufacturers are doing their own recycling programs. He said the entire burden should not be placed on the backs of manufacturers.

Ms. Jennifer Harris, Washington County, said that the current collection programs are not convenient to the rural areas. She explained that the proposed comprehensive state program will be convenient for both manufacturers and citizens.

MOTION: Rep. Chavez-Houck moved to allow the recycling group to work with a member of the Committee to bring legislation for consideration in October.

SUBSTITUTE MOTION: Rep. Noel moved to refer the item for interim study to determine the costs to consumers and taxpayers. The motion passed with Rep. Barrus, Rep. Chavez-Houck, Rep. Draxler, Rep. Hendrickson, and Rep. Riesen voting in opposition. Sen. Morgan and Rep. Dee were absent for the vote.

4. Division of Wildlife Resources

Mr. Mike Canning, Habitat Section Chief, Division of Wildlife Resources (DWR), distributed "Land Acquisitions by the Utah Division of Wildlife Resources." He reviewed why the DWR acquires land and what types of land it owns. He discussed current requirements to acquire lands held in private ownership.

Mr. Jim Karpowitz, Director, DWR, discussed "Livestock Grazing on Lands Owned/Leased by the DWR." He said DWR leases the grazing on less than five percent of SITLA's lands. He discussed the number of ways DWR handles grazing on SITLA permits.

Ms. Kathleen Clarke, Deputy Commissioner, Department of Agriculture and Food, commented that the Department has been meeting on a regular basis for a year with the Department of Natural Resources and DWR and have been discussing shared goals and priorities for the land.

Mr. Don Peay, Sportsmen for Fish and Wildlife, stressed the need to focus on increasing the number of wildlife. He pointed out that the problem with private land from the sportsman perspective is it ends up with a no trespassing sign.

Mr. Bill Christensen, Regional Director, Rocky Mountain Elk Foundation, said that he would prefer to have conservation easements as the primary way to increase opportunities for conserving wildlife.

Mr. Mark Ward, Utah Association of Counties, said that it would be appropriate to make repeated inquiries into what DWR is doing with its Bureau of Land Management and the Forest Service permits.

Mr. Rex Sacco, Carbon County Public Lands Director, stated that DWR has done many good things to help promote wildlife. He noted that maintaining a sustainable business environment for ranchers on public lands increases the ability to keep wildlife active on the land.

Mr. Randy Parker, CEO, Utah Farm Bureau, said the bureau supports the policy in the state's Quality Growth Act, which is to protect against the loss of private property ownership.

5. Public Lands Policy Coordination Office Activities and Expenditures

This item was not discussed.

6. Snake Valley Agreement Update

Mr. Mike Styler, Executive Director, Department of Natural Resources, distributed "Snake Valley Agreement." Mr. Styler indicated the agreement protects existing Utah and Nevada water rights and anticipates future unknowns through continuous monitoring and analysis.

Mr. Ward spoke on behalf of the Millard County Commissioners. He distributed a copy of his presentation on the natural discharge in the Snake Valley. He stated a principled interstate groundwater agreement should be patterned after the valley's natural discharge and historic use. He outlined recommendations for division of the water.

Mr. Gerald Anderson, resident of Snake Valley, indicated that a good agreement must be equitable and cooperative for the people who live in Snake Valley and those downstream. He said if the proposed agreement is adopted there is a risk of overallocating the water just as the Colorado River was overallocated in the 1920s.

Sen. Stowell distributed a draft letter from the committee chairs to Mr. Styler outlining recommendations addressing mining in the proposed agreement.

Mr. Terry Marasco, Snake Valley Citizens Alliance, expressed concern with the potential negative impact that the proposed pumping would have on property values in the Snake Valley. He said the volume of water being proposed to be taken from the wells in Spring Valley, Nevada will, according to science, lower the water table several feet.

Mr. Sterling Brown, Utah Farm Bureau, said allocating water in a 50/50 split as presented in the agreement limits Snake Valley and its residents from reaching their potential.

Mr. Ken Hill, Juab County resident, concurred that there should be an agreement. However, he felt the current agreement needed to be altered.

Ms. Kathy Hill, North Snake Valley, Juab County, discussed the adverse impact reverse flow would have and stated it is not addressed in the agreement. She stressed the importance of ensuring that the agreement is good and that the water allocation is sound.

Mr. Steve Erickson, Great Basin Water Network, cautioned against rushing to finalize the agreement. He pointed out that currently Las Vegas would have a difficult time justifying the need and demand for water from Snake Valley.

MOTION: Rep. Winn moved that: (1) the Committee support the chairs' letter dated September 16; (2) the Committee oppose completion of the agreement until the Snake Valley Aquifer Advisory Council has been appointed and had a reasonable opportunity to provide input; (3) the Committee encourage and urge that the negotiating team consider the proposed resolutions as provided on Page 4 of the handout from Mr. Ward; and (4) the Committee consider the economic opportunities for the area.

Rep. Ferry requested that the motion be divided into separate components.

The Committee voted on the request to submit the proposed letter containing comments on the Snake Valley Agreement to Mr. Styler. The motion passed unanimously. Sen. Morgan, Rep. Brown, Rep. Dee, Rep. Draxler, and Rep. Gibson were absent for the vote.

The Committee voted on the request to submit a comment to the Utah Department of Natural Resources that the agreement not be signed until the Snake Valley Aquifer Advisory Council has been appointed and had a reasonable opportunity to provide input. The motion passed with Rep. Noel stating his conflict of interest and voting in opposition. Sen. Morgan, Rep. Brown, Rep. Dee, Rep. Draxler, and Rep. Gibson were absent for the vote.

The Committee voted on the request to recommend to the negotiating team that they seriously consider the issues raised on Page 4 of Mr. Ward's handout. The motion passed with Rep. Ferry and Rep. Noel voting in opposition.

The Committee voted on the statement that the Committee is concerned that the agreement will negatively affect future economic opportunities and growth within the Snake Valley. The motion passed with Rep. Ferry and Rep. Noel voting in opposition. Sen. Morgan, Rep. Brown, Rep. Dee, Rep. Draxler, and Rep. Gibson were absent for the vote.

7. Other Business / Adjourn

Rep. Painter explained that with the development of the new GPS survey systems the deed lines and survey lines along the Scofield Reservoir shoreline have been called into question. He asked that the Committee send a letter to the Provo office of the Bureau of Reclamation encouraging them to come to a reasonable solution and take into account the adjacent cabin owner's property rights.

Chair Stowell indicated the chairs would prepare a letter and email it to committee members.

Rep. Noel updated the Committee on the problems with prairie dogs that have delayed the construction of a powerline to Cedar Mountain. Rep. Noel also updated the Committee on a U.S. Tenth Circuit Court of Appeals decision, *The Wilderness Society v. Kane County*, filed on September 1, 2009 regarding R.S. 2477 rights.

Chair Stowell indicated that Ms. Brown has been reassigned to another interim committee. He recognized and thanked her for her service. Chris Parker has been assigned as the new Associate General Counsel for the Committee.

MOTION: Rep. Gowans moved to adjourn. The motion passed unanimously.

Chair Stowell adjourned the meeting at 5:50 p.m.